

116TH CONGRESS
2D SESSION

H. R. 2881

AN ACT

To require the President to develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States and to assist allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure 5G and Beyond
5 Act of 2020”.

6 **SEC. 2. STRATEGY TO ENSURE SECURITY OF NEXT GEN-**
7 **ERATION WIRELESS COMMUNICATIONS SYS-**
8 **TEMS AND INFRASTRUCTURE.**

9 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
10 FINED.—In this Act, the term “appropriate committees of
11 Congress” means—

12 (1) the Select Committee on Intelligence, the
13 Committee on Commerce, Science, and Transpor-
14 tation, the Committee on Foreign Relations, the
15 Committee on Armed Services, and the Committee
16 on Homeland Security and Governmental Affairs of
17 the Senate; and

18 (2) the Permanent Select Committee on Intel-
19 ligence, the Committee on Energy and Commerce,
20 the Committee on Foreign Affairs, the Committee
21 on Armed Services, and the Committee on Home-
22 land Security of the House of Representatives.

23 (b) STRATEGY REQUIRED.—Not later than 180 days
24 after the date of enactment of this Act, the President, in
25 consultation with the Chairman of the Federal Commu-

1 nications Commission, the Secretary of Commerce, the As-
2 sistant Secretary of Commerce for Communications and
3 Information, the Secretary of Homeland Security, the Di-
4 rector of National Intelligence, the Attorney General, the
5 Secretary of State, the Secretary of Energy, and the Sec-
6 retary of Defense, and consistent with the protection of
7 national security information, shall develop and submit to
8 the appropriate committees of Congress a strategy—

9 (1) to ensure the security of 5th and future
10 generations wireless communications systems and in-
11 frastructure within the United States;

12 (2) to assist mutual defense treaty allies of the
13 United States, strategic partners of the United
14 States, and other countries, when in the security and
15 strategic interests of the United States, in maxi-
16 mizing the security of 5th and future generations
17 wireless communications systems and infrastructure
18 inside their countries; and

19 (3) to protect the competitiveness of United
20 States companies, privacy of United States con-
21 sumers, and integrity and impartiality of standards-
22 setting bodies and processes related to 5th and fu-
23 ture generations wireless communications systems
24 and infrastructure.

1 (c) DESIGNATION.—The strategy developed under
2 subsection (b) shall be known as the “National Strategy
3 to Secure 5G and Next Generation Wireless Communica-
4 tions” (referred to in this Act as the “Strategy”).

5 (d) ELEMENTS.—The Strategy shall represent a
6 whole-of-government approach and shall include the fol-
7 lowing:

8 (1) A description of efforts to facilitate domes-
9 tic 5th and future generations wireless communica-
10 tions rollout.

11 (2) A description of efforts to assess the risks
12 to and identify core security principles of 5th and
13 future generations wireless communications infra-
14 structure.

15 (3) A description of efforts to address risks to
16 United States and national security during develop-
17 ment and deployment of 5th and future generations
18 wireless communications infrastructure worldwide.

19 (4) A description of efforts to promote respon-
20 sible global development and deployment of 5th and
21 future generations wireless communications, includ-
22 ing through robust international engagement, leader-
23 ship in the development of international standards,
24 and incentivizing market competitiveness of secure

1 5th and future generation wireless communications
2 infrastructure options.

3 (e) PUBLIC CONSULTATION.—In developing the
4 Strategy, the President shall consult with relevant groups
5 that represent consumers or the public interest, private
6 sector communications providers, and communications in-
7 frastructure and systems equipment developers.

8 **SEC. 3. STRATEGY IMPLEMENTATION PLAN.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the President shall develop an implemen-
11 tation plan for the Strategy (referred to in this Act as
12 the “Strategy implementation plan”), which shall include,
13 at a minimum, the following:

14 (1) A description of United States national and
15 economic security interests pertaining to the deploy-
16 ment of 5th and future generations wireless commu-
17 nications systems and infrastructure.

18 (2) An identification and assessment of poten-
19 tial security threats and vulnerabilities to the infra-
20 structure, equipment, systems, software, and
21 virtualized networks that support 5th and future
22 generations wireless communications systems, infra-
23 structure, and enabling technologies. The assessment
24 shall, as practicable, include a comprehensive evalua-
25 tion of the full range of threats to, and unique secu-

1 rity challenges posed by, 5th and future generations
2 wireless communications systems and infrastructure,
3 as well as steps that public and private sector enti-
4 ties can take to mitigate those threats.

5 (3) An evaluation of available domestic sup-
6 pliers of 5th and future generations wireless commu-
7 nications equipment and other suppliers in countries
8 that are mutual defense allies or strategic partners
9 of the United States and a strategy to assess their
10 ability to produce and supply 5th generation and fu-
11 ture generations wireless communications systems
12 and infrastructure.

13 (4) Identification of where security gaps exist in
14 the United States domestic or mutual defense treaty
15 allies and strategic partners communications equip-
16 ment supply chain for 5th and future generations
17 wireless communications systems and infrastructure.

18 (5) Identification of incentives and policy op-
19 tions to help close or narrow any security gaps iden-
20 tified under paragraph (4) in the United States do-
21 mestic industrial base, including research and devel-
22 opment in critical technologies and workforce devel-
23 opment in 5th and future generations wireless com-
24 munications systems and infrastructure.

1 (6) Identification of incentives and policy op-
2 tions for leveraging the communications equipment
3 suppliers from mutual defense treaty allies, strategic
4 partners, and other countries to ensure that private
5 industry in the United States has adequate sources
6 for secure, effective, and reliable 5th and future gen-
7 erations wireless communications systems and infra-
8 structure equipment.

9 (7) A plan for diplomatic engagement with mu-
10 tual defense treaty allies, strategic partners, and
11 other countries to share security risk information
12 and findings pertaining to 5th and future genera-
13 tions wireless communications systems and infra-
14 structure equipment and cooperation on mitigating
15 those risks.

16 (8) A plan for engagement with private sector
17 communications infrastructure and systems equip-
18 ment developers and critical infrastructure owners
19 and operators who have a critical dependency on
20 communications infrastructure to share information
21 and findings on 5th and future generations wireless
22 communications systems and infrastructure equip-
23 ment standards to secure platforms.

24 (9) A plan for engagement with private sector
25 communications infrastructure and systems equip-

1 ment developers to encourage the maximum partici-
2 pation possible on standards-setting bodies related to
3 such systems and infrastructure equipment stand-
4 ards by public and private sector entities from the
5 United States.

6 (10) A plan for diplomatic engagement with
7 mutual defense treaty allies, strategic partners, and
8 other countries to share information and findings on
9 5th and future generations wireless communications
10 systems and infrastructure equipment standards to
11 promote maximum interoperability, competitiveness,
12 openness, and secure platforms.

13 (11) A plan for diplomatic engagement with
14 mutual defense treaty allies, strategic partners, and
15 other countries to share information and findings on
16 5th and future generations wireless communications
17 infrastructure and systems equipment concerning
18 the standards-setting bodies related to such systems
19 and infrastructure equipment to promote maximum
20 transparency, openness, impartiality, integrity, and
21 neutrality.

22 (12) A plan for joint testing environments with
23 mutual defense treaty allies, strategic partners, and
24 other countries to ensure a trusted marketplace for

1 5th and future generations wireless communications
2 systems and infrastructure equipment.

3 (13) A plan for research and development by
4 the Federal Government, in close partnership with
5 trusted supplier entities, mutual defense treaty al-
6 lies, strategic partners, and other countries to reach
7 and maintain United States leadership in 5th and
8 future generations wireless communications systems
9 and infrastructure security, including the develop-
10 ment of an ongoing capability to identify security
11 vulnerabilities in 5th and future generations wireless
12 communications systems.

13 (14) Options for identifying and helping to
14 mitigate the security risks of 5th and future genera-
15 tions wireless communications systems and infra-
16 structure that have security flaws or vulnerabilities,
17 or are utilizing equipment sourced from countries of
18 concern, and that have already been put in place
19 within the systems and infrastructure of mutual de-
20 fense treaty allies, strategic partners, and other
21 countries, when in the security interests of the
22 United States.

23 (15) A description of the roles and responsibil-
24 ities of the appropriate executive branch agencies
25 and interagency mechanisms to coordinate imple-

1 mentation of the Strategy, as provided in section
2 4(d).

3 (16) An identification of the key diplomatic, de-
4 velopment, intelligence, military, and economic re-
5 sources necessary to implement the Strategy, includ-
6 ing specific budgetary requests.

7 (17) As necessary, a description of such legisla-
8 tive or administrative action needed to carry out the
9 Strategy.

10 **SEC. 4. LIMITATIONS AND BRIEFINGS.**

11 (a) LIMITATIONS.—

12 (1) IN GENERAL.—The Strategy and the Strat-
13 egy implementation plan shall not include a rec-
14 ommendation or a proposal to nationalize 5th or fu-
15 ture generations wireless communications systems or
16 infrastructure.

17 (2) RULE OF CONSTRUCTION.—Nothing in this
18 Act shall be construed to limit the authority or abil-
19 ity of any executive branch agency.

20 (b) PUBLIC COMMENT.—Not later than 60 days after
21 the date of enactment of this Act, the President shall seek
22 public comment regarding the development and implemen-
23 tation of the Strategy implementation plan.

24 (c) BRIEFING.—

1 (1) IN GENERAL.—Not later than 21 days after
2 the date on which the Strategy implementation plan
3 is completed, the President shall direct appropriate
4 representatives from the executive branch agencies
5 involved in the formulation of the Strategy and
6 Strategy implementation plan to provide the appro-
7 priate committees of Congress a briefing on the im-
8 plementation of the Strategy.

9 (2) UNCLASSIFIED SETTING.—The briefing
10 under paragraph (1) shall be held in an unclassified
11 setting to the maximum extent possible.

12 (d) IMPLEMENTATION.—The National Telecommuni-
13 cations and Information Administration shall, in coordina-
14 tion with other relevant executive branch agencies—

15 (1) implement the Strategy;

16 (2) keep congressional committees apprised of
17 progress on implementation; and

18 (3) not implement any proposal or rec-
19 ommendation involving spectrum licensed by the
20 Commission unless the implementation of such pro-
21 posal or recommendation is first approved by the
22 Commission.

23 (e) FORM.—The Strategy and Strategy implementa-
24 tion plan shall be submitted to the appropriate committees

1 of Congress in unclassified form, but may include a classi-
2 fied annex.

Passed the House of Representatives January 8,
2020.

Attest:

Clerk.

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